

JOURNAL OF THE HOUSE.

Wednesday, January 21, 2004.

Met according to adjournment, at eleven o'clock A.M., with Mr. O'Flaherty of Chelsea in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.
Gracious God, the Ultimate Source of Hope and Truth, we believe that we live each moment of the day in Your presence. You are always at our side in both good and bad times. Inspire us to call upon You and Your always available assistance as we try to respond fairly and thoughtfully to current political and cultural issues and challenges. Teach us to take the time, at least on occasion, to reflect on the total content and consequences of pending legislation. As representatives of the people and their best interests, help us to make objective and reasoned decisions in meeting societal needs during this time of great changes. May the well-being of our children and our elderly remain a high priority on our personal and legislative agenda.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.
At the request of the Chair (Mr. O'Flaherty), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Coppola of Foxborough.

A statement of Mr. Jones of North Reading concerning Mr. Coppola of Foxborough was spread upon the records of the House, as follows:

Statement concerning Representative Coppola of Foxborough.
MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Coppola of Foxborough, will be unable to be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Galvin of Canton.

A statement of Mr. DiMasi of Boston concerning Mr. Galvin of Canton was spread upon the records of the House, as follows:

Statement concerning Representative Galvin of Canton.
MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Galvin of Canton, will not be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Gobi of Spencer.

A statement of Mr. DiMasi of Boston concerning Ms. Gobi of Spencer was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Gobi of Spencer, was not present in the House Chamber for today's sitting due to previously scheduled personal business outside of the District. Had she been present for the taking of yea and nay numbers 501, 502, 504, 505, 506 and 508, she would have voted, in each instance, in the affirmative. Had she been present for the taking of yea and nay numbers 503 and 507, she would have voted, in each instance, in the negative. Any roll calls that she missed today was due entirely to the reason stated.

Statement concerning Representative Gobi of Spencer.

Guests of the House.

During the session the Chair (Mr. Rogers of Norwood) declared a brief recess and introduced police officers Steven Prior, Josiah Morrisette and David Bergeron, fire chief Harley Keeler, fire captain Melissa Blodgett and firefighter Brett Lesiak, all public safety officers from the town of Uxbridge. Accompanied by police chief Scott Freitas, friends and family, they were visiting the State House to be honored for acts of bravery while rescuing a youth trapped in a sand pit on September 21, 2003. They were the guests of Representatives Kujawski of Webster and Callahan of Sutton and Senator Moore.

Uxbridge public safety officers.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Atsalis of Barnstable and George of Yarmouth) congratulating Gerald B. Marsh on the occasion of his retirement;

Gerald B. Marsh.

Resolutions (filed by Mr. George of Yarmouth and other members of the House) congratulating Mary E. McCarthy on the occasion of her retirement;

Mary E. McCarthy.

Resolutions (filed by Messrs. Kane of Holyoke and Scibak of South Hadley) congratulating Joseph V. Gosselin, Jr., on being named the Grand Marshall of the Holyoke St. Patrick's Day Parade;

Joseph V. Gosselin, Jr.

Resolutions (filed by Messrs. O'Brien of Kingston, Straus of Mattapoisett and Howland of Freetown) congratulating the Cranberry County Chamber of Commerce on the occasion of its twenty-fifth anniversary;

Cranberry County Chamber of Commerce.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Antoinette Loetsch Mock;

Antoinette Loetsch Mock.

Resolutions (filed by Representatives Poirier of North Attleborough, Coppola of Foxborough and Kafka of Stoughton) congratulating Leonard F. and Marydee Flynn for their thirty years of service to the environment;

Leonard F. and Marydee Flynn.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Lucien and Bernadette Grenier on the occasion of their seventieth wedding anniversary;

Lucien and Bernadette Grenier.

Resolutions (filed by Mr. Rush of Boston) congratulating Brian E. Pastore on receiving the Eagle Award of the Boy Scouts of America; and

Brian E. Pastore.

Christopher M.
Walsh.

Resolutions (filed by Mr. Rush of Boston) congratulating Christopher M. Walsh on receiving the Eagle Award of the Boy Scouts of America;

Mr. DiMasi of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rushing of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Retired
employees,
work.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to allowing certain employees to return to work (House, No. 3810) ought to pass with an amendment adding at the end thereof the following section:

"SECTION 2. Subsection (b) of section 616 of chapter 26 of the acts of 2003 is hereby amended by inserting after the first paragraph:—

An eligible employee of the Nashoba associated boards of health shall file his application for retirement with the state board of retirement not later than April 15, 2004. The retirement date requested shall be June 1, 2004." Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Walrath of Stow, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Hargraves of Groton, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act further regulating certain retirement benefits." The bill (House, No. 3810, amended) then was sent to the Senate for concurrence.

Teacher
salaries,
study.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on a petition, a Resolve relative to establishing a commission to examine teacher salaries in Massachusetts (House, No. 2575).

Adult
education.

By the same member, for the same committee, on Senate, No. 299 and House, Nos. 687 and 2936, a Bill relative to establishing a commission on adult basic education and vocational training (House, No. 4453).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Charitable
institutions.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on a petition, a Bill facilitating low interest financing for Massachusetts charitable institutions (House, No. 2401).

Read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on House, Nos. 879 and 1252, a Bill relative to dissection choice (House, No. 1252).

By the same member, for the same committee, on a petition, a Bill relative to increasing public higher education endowment incentive programs (House, No. 1831).

By the same member, for the same committee, on a petition, a Bill relative to the Community College Workforce Training Incentive Program (House, No. 1832).

By the same member, for the same committee, on Senate, No. 302 and House, Nos. 1834 and 2767, a Bill establishing Clara Barton nursing excellence programs (House, No. 1834).

By the same member, for the same committee, on House, Nos. 510 and 1070, a Bill to authorize codes of conduct for players, coaches, officials and parents in athletic settings (House, No. 4454).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on Senate, No. 237 and House, No. 3136, a Bill relating to the eligibility of certain persons to qualify as residents of this state for purposes of higher education tuition (House, No. 4455). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on House, Nos. 881, 1449, 1836 and 2773, a Bill relative to CPR certification for teachers and coaches (House, No. 1836).

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill clarifying the removal statute (House, No. 772).

By the same member, for the same committee, on a petition, a Bill relative to the procedure for issuance of criminal complaints (House, No. 4396).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

The engrossed Bill authorizing a ballot question in the town of Belmont relative to the granting of licenses for the sale of alcoholic beverages in certain restaurants (see House, No. 3975, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill validating the proceedings of the annual town meeting in the town of Palmer (see House bill printed in House,

Dissection,
choice.

Higher
education,
incentives.

Community
college
incentive
programs.

Nursing
loan
program.

Sports,
conduct.

Higher
education,
tuition.

Teachers
and
coaches.

Children,
removal.

Criminal
complaints,
issuance.

Bill
re-enacted.

Bill
enacted.

No. 4141) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills
enacted.

Exempting the position of chief of police in the town of East Longmeadow from the civil service law (see Senate, No. 2163) (which originated in the Senate);

Authorizing the town of Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House bill printed as Senate, No. 2034);

Relative to the off-street parking board in the city of Worcester (see House, No. 4082);

Designating the Brockton District Courthouse as the George N. Covett Courthouse (see House, No. 4156, changed); and

Authorizing the town of Southampton to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4162);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Bridgewater to Patrick Driscoll (Senate, No. 1691, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Third
reading
bills.

Authorizing the town of Belmont to designate a checkoff on its tax bill for the towns general fund (House, No. 3979);

Authorizing the town of Natick to enter into a certain agreement with the town of Wellesley (House, No. 4043) (its title having been changed by the committee on Bills in the Third Reading);

Relative to vacancies in certain offices in the town of Spencer (House, No. 4077);

Authorizing the town of North Andover to grant a certain easement (House, No. 4090);

Placing the members of the fire department of the town of Acushnet under the civil service law (House, No. 4282); and

Authorizing the town of Salisbury to make an appeal to the Appellate Tax Board (House, No. 4296);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Relative to child passenger safety (House, No. 1918); and

Relative to appointments to police service (House, No. 3073);

Severally were read a second time; and they were ordered to a third reading.

Second
reading
bills.

The House Bill relative to electronic record standards (House, No. 4298, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Electronic
records.

Pending the question on passing the bill to be engrossed, Mr. Scaccia of Boston moved that it be amended in section 1, in line 4, by striking out the words "Notwithstanding any general or special law to the contrary all" (previously inserted by amendment) and inserting in place thereof the word "All" (previously stricken out by amendment).

The amendment was adopted; and the bill (House, No. 4298) was passed to be engrossed. Sent to the Senate for concurrence.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until one o'clock P.M.; and at a quarter before two o'clock the House was called to order with Mr. Rogers of Norwood in the Chair.

Recess.

The House Bill regarding county elections for certain vacancies (House, No. 334, changed), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

County
elections.

Pending the question on passing the bill to be engrossed, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

The motion of Mr. Festa of Melrose, that the vote be reconsidered by which the House, on Wednesday, October 8, 2003, refused to pass to be engrossed the House Bill relative to Sunday sales of alcohol (House, No. 1474, amended), was considered.

Alcohol,
Sunday
sales.

Pending the question on reconsideration, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

House bills

Establishing a police technology fund (House, No. 595);

Prohibiting tethering, leashing, and other restraints of prisoners in work release programs (House, No. 1558);

Police fund.
Prisoners,
restraints.

Relative to bullet-proof vests (House, No. 1734);

Police vests.

To limit the siting of power generation plants (House, No. 515);

Power plants.

Promoting the timely and orderly review of petitions to construct energy facilities (House, No. 528);

Energy
facilities.

Conservation.

Relative to energy conservation measures (House, No. 535);

Ethics laws.

Placing certain providers of services to the Commonwealth under the ethics law (House, No. 838);

Non-profits.

Relative to private non-profit agencies (House, No. 839);

It

Relative to including private non-profit corporations which receive public funds under the provisions of the open meeting and open records laws (House, No. 840);

Intersections, pedestrians.

To amend the current fine for failing to stop for a pedestrian at a non-signalized intersection (House, No. 3394);

Libraries.

Relating to public libraries in the Commonwealth (House, No. 2693); and

Ice cream vendors.

Relative to the regulation of ice cream trucks and ice cream vendors (House, No. 3212);

Severally were read a second time.

Pending the question, in each instance, on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

Environmental Affairs, appeals.

The motion of Mr. Koczera of New Bedford, that the vote be reconsidered by which the House, on Wednesday, October 8, 2003, postponed until Tuesday, January 4, 2005, further consideration of the question on passing, notwithstanding the objections of His Excellency the Governor, the engrossed Bill establishing the office of administrative appeals in the Executive Office of Environmental Affairs (see House, No. 3963) [for message, see House, No. 3990], was considered.

Pending the question on reconsideration, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

Shareholders, communication.

The House report of the committee on Commerce and Labor, ought NOT to pass, on the petition (accompanied by bill, House, No. 1996) of the Associated Industries of Massachusetts, Paul J. P. Loscocco and other members of the General Court relative to electronic communication with shareholders, was considered.

Pending the question on acceptance of the report, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

Combat Infantry Badge.

The House Bill providing for distinctive motor vehicle plates for recipients of the Combat Infantry Badge (House, No. 204) was read a second time.

Pending the question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

Newborns and infants.

The House Bill relative to the safe placement of newborns and infants (House, No. 4325) was read a second time.

Pending the question on adoption of the amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 4, by striking out the word “The” and inserting in place thereof the words “Subject to appropriation, the” and by adding at the end of said section 1 the following paragraph:

“The department shall explore the possibility of expending funds received from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable Families Program, as most recently amended by the Promoting Safe and Stable Families of 2001, in order to implement the public information program required by this section and to alleviate the burden said information program may have on the department’s appropriation from the commonwealth. When implementing its public information program, the department shall prioritize those areas of the commonwealth that have been identified by the department of public health as having the highest teen pregnancy rates.”; in section 2, in line 35, by striking out the year “2008” and inserting in place thereof the year “2007”; in section 3, in line 2, by striking out the date “January 1, 2006” and inserting in place thereof the date “June 30, 2008”; and by adding at the end thereof the following section:

“SECTION 4. For purposes of this act only, the following term shall be defined in the following manner unless the context shall clearly indicate a different meaning or intent:— ‘hospital’, a hospital that is licensed under section fifty-one of chapter one hundred and eleven, or operated by the teaching hospital of the University of Massachusetts Medical School.”,— and the main question on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until Tuesday, February 10, 2004.

The engrossed Bill establishing a speed limit for Sassaquin Avenue in the city of New Bedford (see House, No. 3741), which had been returned by His Excellency the Governor with his objections thereto in writing [for message, see House, No. 4386], was considered.

Pending the question on passing said bill, notwithstanding said objections, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

House bills

Authorizing cities, towns and regional districts to send certain information to registered voters (printed as Senate, No. 349); and

Relative to small group insurance (House, No. 1699);

Severally were read a second time.

Pending the question, in each instance, on ordering the bill to a third reading, further consideration thereof was postponed, on motion of Mrs. Harkins of Needham, until after disposition of the remaining matters in the Orders of the Day.

Section 9 contained in the engrossed Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy (see House,

New Bedford, Sassaquin Avenue.

Voters, notices.

Insurance.

Workforce Training Fund, reforms.

No. 4328), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4366), was considered.

Quorum.

Pending the question on passing said section, notwithstanding the objections of His Excellency the Governor, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Rogers of Norwood), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 500.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 500 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Carron of Southbridge was spread upon the records of the House, as follows:

Statement of
Representative
Carron.

MR. SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber due to being in another part of the State House on official business.

Workforce
Training
Fund
reform
section 9
stands,
yea and nay
No. 501.

After debate on the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 135 members voted in the affirmative and 18 in the negative.

[See Yea and Nay No. 501 in Supplement.]

Therefore section 9 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Workforce
Training
grants,
reforms.

Section 54 contained in the engrossed Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy (see House, No. 4328), which had been returned by His Excellency the Governor with his reductions thereto in writing (for message, see House, No. 4366), was considered.

Workforce
Training
grants
section 54
stands,
yea and nay
No. 502.

After remarks on the question on passing said section, notwithstanding the reductions of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 502 in Supplement.]

Therefore section 54 was passed, notwithstanding the reductions of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Technology
Development
Corporation.

Section 72 contained in the engrossed Bill relative to investments in emerging technologies to promote job creation, economic stability and competitiveness in the Massachusetts economy (see House, No. 4328), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4366), was considered.

After remarks on the question on passing said section, notwithstanding the objections of His Excellency the Governor, Mr. Peterson of Grafton moved that further consideration thereof be postponed until Monday, February, 2, 2004.

After remarks on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 22 members voted in the affirmative and 129 in the negative.

Motion to
postpone
negated,
yea and nay
No. 503.

[See Yea and Nay No. 503 in Supplement.]

Therefore the motion to postpone was negated.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 132 members voted in the affirmative and 22 in the negative.

Technology
Development
Corporation
section 72
stands,
yea and nay
No. 504.

[See Yea and Nay No. 504 in Supplement.]

Therefore section 72 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 80 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

Supplemental
appropriations,
MBTA
date
correction.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 22 in the negative.

MBTA date
correction
section 80
stands,
yea and nay
No. 505.

[See Yea and Nay No. 505 in Supplement.]

Therefore section 80 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Section 81 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 4365), was considered.

Supplemental
appropriations,
MBTA
correction.

On the question on passing said section, notwithstanding the objections of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 131 members voted in the affirmative and 21 in the negative.

MBTA
correction
section 81
stands,
yea and nay
No. 506.

[See Yea and Nay No. 506 in Supplement.]

Therefore section 81 was passed, notwithstanding the objections of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Supplemental
appropriations,
joint
legislative
accounts.

Item 9700-0000 contained in section 2 of the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), which had been returned by His Excellency the Governor with his reduction thereto in writing (for message, see House, No. 4365), was considered.

Pending the question on passing said item, notwithstanding the reduction of His Excellency the Governor, Mr. Jones of North Reading moved that further consideration thereof be postponed until Wednesday, January 28, 2004.

Motion to
postpone
negatived,
yea and nay
No. 507.

After debate on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 22 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 507 in Supplement.]

Therefore the motion to postpone was negatived.

Joint
legislative
accounts
item
9700-0000
stands,
yea and nay
No. 508.

After debate on the question on passing said item, notwithstanding the reduction of His Excellency the Governor, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 130 members voted in the affirmative and 22 in the negative.

[See Yea and Nay No. 508 in Supplement.]

Therefore item 9700-0000 (contained in section 2) was passed, notwithstanding the reduction of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Order.

On motion of Mrs. Walrath of Stow,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Speaker Finneran of Boston and Representative Scibak of South Hadley then moved that, when the House adjourns today, it do so in respect to the memory of Edward M. O'Brien of Easthampton, a member of the Executive Council from 1970 to 1975, inclusive and also from 1978 to 2004, inclusive, and the father of former Representative, former Senator and former State Treasurer Shannon P. O'Brien; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes before five o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Rogers of Norwood being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.